

REMARKS

Claims 1-13 were pending. Claims 1, 2, and 6-10 are amended. The specification is amended to correct minor grammatical errors and to correct a minor inconsistency with the drawings. This Amendment adds no new matter.

Allowable Subject Matter

Applicants note with thanks the Examiner's determination that claims 2-9 and 12-13 recite allowable subject matter.

Claim Rejections: 35 U.S.C. § 112, second paragraph

Claims 1-10 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner indicated that it was not clear from the claim language "how and/or where the signal processing device is connected to the speakers."

Applicants have amended claims 1, 9, and 10 to clarify the relationship between the signal processing device and loudspeaker, namely, that the signal processing device applies the control signals it produces to the loudspeakers. Applicants ask the Examiner to reconsider and withdraw the rejection.

Claim Rejections: 35 U.S.C. § 103(a)

Claims 1, 10, and 11 were rejected under 35 U.S.C. § 103(a) as reciting subject matter unpatentable over U.S. Pat. No. 5,325,435 to Date et al. in view of U.S. Pat. No. 5,793,876 to Derogis et al. While acknowledging that Date does not disclose weighting input signals differently with respect to amplitude and phase, the Examiner stated that Derogis "discloses improving the directivity of loudspeaker output by weighting amplitude and phase of input signals" and concluded:

It would have been obvious to one of ordinary skill in the art at the time the invention was made [to] modify the invention of Date by implementing weighting the amplitude and phase of [input] signals for the purpose of improving the acoustic radiation or directive pattern of loudspeaker outputs enhancing the acoustics of a listening environment.

Applicants ask the Examiner to reconsider this position, because the references teach away from their combination. References cannot be combined when they teach away from their combination. M.P.E.P. § 2145(X)(C)(2) (“It is improper to combine references where the references teach away from their combination”) (citing *In re Grasselli*, 713 F.2d 731, 743, U.S.P.Q. 769, 779 (Fed. Cir. 1983).

Date’s disclosure concerns use of inverse filtering to compensate for distortions in the frequency characteristic of a multi-loudspeaker system caused by the frequency-dependent directivity of its individual loudspeakers. Derogis, on the other hand, specifically creates an adjustable directivity for a multi-loudspeaker system. One of ordinary skill in the art would not have been motivated to modify Date, which seeks to overcome problems caused by directivity, by including Derogis’s techniques for creating directivity. The two references therefore teach away from their combination and so cannot be combined to reach the subject matter recited by any of the rejected claims.

For this reason, Applicants ask the Examiner to reconsider and withdraw the rejection.

The Examiner is invited to contact the undersigned at (617) 832-1176 or at the telephone number listed below.

Respectfully submitted,
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